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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANTS

MARION DETERT ET AL.

FEB 21 2003

SERIAL NO.

09/838,411

GROUP 1600

FILED

April 19, 2001

FOR

SULPHONATED COMB POLYMERS AND PREPARATIONS,
IN PARTICULAR HAIR COSMETIC PREPARATIONS, BASED
ON SUCH SULPHONATED COMB POLYMERS

ART UNIT

1617

EXAMINER

E. Webman

OFFICIAL

February 20, 2003

Hon. Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

In response to the restriction requirement dated January 21, 2003, Applicants hereby elect with traverse to prosecute in this application the subject matter of Group I, claims 1-4, and for the two species elections the species of Preparation Example 1 on page 20 of the specification.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is

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authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicants expressly reserve the right to prosecute the non-elected subject matter in a divisional application, if necessary.

Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement. Although the Examiner has characterized the relationship between Group I, claims 1-4, and Group II, claim 5, as being that of an intermediate-final product, the fact remains that if the comb polymers of Group I are found to be novel and unobvious, then the composition of Group II containing the novel and unobvious comb polymers must be novel and unobvious itself as a matter of law. Accordingly, the Examiner should either withdraw the restriction requirement altogether, or else agree to rejoin and examine Group II in the event Group I is found to be allowable.

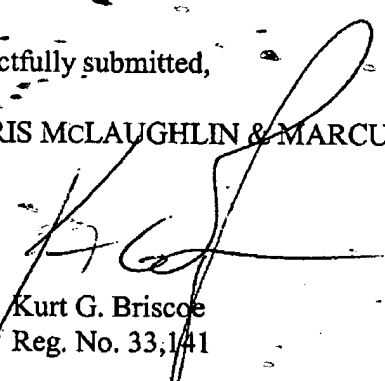
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Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Response to Restriction Requirement (3 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: February 20, 2003

By


Kurt G. Briscoe